

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2014-132147-001 DT

01/13/2015

COMMISSIONER MONICA GARFINKEL

CLERK OF THE COURT

L. Stroud

Deputy

STATE OF ARIZONA

MICHAEL R MORRISON

v.

ROBERT E VARVEL (001)

DOB: 10/06/1965

WM T FISCHER

APO-SENTENCINGS-CCC

APPEALS-CCC

DISPOSITION CLERK-CSC

RFR

SUSPENSION OF SENTENCE - PROBATION GRANTED

2:03 p.m.

Courtroom SCT-2A

State's Attorney: Harold Brenneman for Mike Morrison

Defendant's Attorney: William Fischer

Defendant: Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

IT IS ORDERED amending the avowals in Paragraph 5 of the Plea Agreement to reflect the Defendant has **2** prior felony convictions rather than 1.

FILED: Amended Plea Agreement

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Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: COUNT 1, AS AMENDED, POSSESSION OF DRUG PARAPHERNALIA  
Class 6 designated felony

A.R.S. § 13-3401, 13-3407, 13-3415, 13-3416, 13-3418, 13-610, 12-269, 13-701, 13-702,  
13-801, 13-901.01(D) and 13-901.01(H)(4)

Date of Offense: July 4, 2014

Non Dangerous - Non Repetitive

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

Count 1 Probation Term: Three (3) years

To begin 01/13/2015.

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the State.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 1 - \$65.00 per month, beginning 03/01/2015 or to be determined.

FINE: Count 1 - Total amount of \$1,372.50, which includes surcharges of 83%, payable \$35.00 per month beginning 03/01/2015 or to be determined.

Fine is to be paid to the Arizona Drug Enforcement Fund.

PROBATION ASSESSMENT: Count 1 - \$20.00 payable on 03/01/2015 or to be determined.

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Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00 payable on 03/01/2015 or to be determined.

WARRANT CHARGE: Count 1 - \$45.00, payable on 03/01/2015 or to be determined.

PENALTY ASSESSMENT - A.R.S. §12-116.04: Count 1 - \$13.00 payable on 03/01/2015 or to be determined.

Investigative Agency: Phoenix Police Department

Count 1: \$15.00 to the Technical Registration Fund payable on 03/01/2015 or to be determined.

All amounts payable through the Clerk of the Superior Court.

Condition 16 - Not consume or possess any substances containing alcohol.

Condition 17 - Count 1: Complete a total of 40 hours of community restitution. Complete a set number of hours per month as directed in writing by APD. Complete hours at a site approved by the APD.

Condition 18 - Count 1: Be incarcerated in the county jail for 30 day(s), beginning 01/13/2015 with credit for 0 day(s) served.

Report to the APD within 72 hours of release from jail. Comply with all program rules.

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

Drug Court

Condition 22: Other - Participate in counseling as directed by the APD - complete substance abuse treatment including relapse prevention and aftercare.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

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Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss the following: Allegation of Defendant's prior felony conviction(s) or that he was on probation at the time of the offense.

Count(s) 1: IT IS ORDERED remanding Defendant to the custody of the Maricopa County Sheriff.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

The EDC Adult Probation Office has prepared a written Presentence Investigation and Recommendation.

2:14 p.m. Matter concludes.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER MONICA GARFINKEL  
JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)